

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
2 A Limited Liability Partnership
3 Including Professional Corporations
4 P. CRAIG CARDON, Cal. Bar No. 168646
5 ccardon@sheppardmullin.com
6 BRIAN BLACKMAN, Cal. Bar No. 196996
7 bblackman@sheppardmullin.com
8 ELIZABETH S. BERMAN, Cal. Bar No. 252377
9 eberman@sheppardmullin.com
10 4 Embarcadero Center, 17th Floor
11 San Francisco, California 94111-4109
12 Telephone: 415.434.9100
13 Facsimile: 415.434.3947

8 Attorneys for Defendant
LUCKY BRAND DUNGAREES, INC.

10 UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

12 JUVENAL ROBLES and ABEL FIGUEROA,
13 individually and on behalf of a class of
similarly situated individuals.

Plaintiffs,

V.

16 LUCKY BRAND DUNGAREES, INC., a
17 Delaware corporation, KIRSCHENBAUM
18 BOND SENECA & PARTNERS LLC f/k/a
19 KIRSCHENBAUM BOND & PARTNERS
20 LLC, a Delaware limited liability company,
21 d/b/a Lime Public Relations + Promotion, and
KIRSCHENBAUM BOND & PARTNERS
WEST LLC, a Delaware limited liability
company.

Defendants

Case No. 10-cv-04846 MMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING THE CASE
MANAGEMENT CONFERENCE**

Date: January 20, 2012

Time: 10:30 a.m.

Courtroom: 7, 19th Floor

The Honorable Maxine M. Chesney

1 Plaintiffs Juvenal Robles and Abel Figueroa (collectively "Plaintiffs"), defendant Lucky
 2 Brand Dungarees, Inc. ("Lucky"), defendants Kirshenbaum Bond Senecal & Partners LLC, f/k/a
 3 Kirshenbaum Bond & Partners LLC, d/b/a Lime Public Relations + Promotion and Kirshenbaum
 4 Bond & Partners West LLC (collectively "Lime"), and third-party defendant Merkle, Inc.
 5 ("Merkle"), by and through their counsel, stipulate:

6 1. Plaintiff Robles filed his Class Action Complaint on October 26, 2010, alleging
 7 defendant Lucky violated the Telephone Consumer Protection Act, 47 U.S.C. § 227, by sending an
 8 allegedly unsolicited text message to plaintiff's cellular telephone in the summer of 2008. (Dkt. No.
 9 1.)

10 2. Lucky answered the complaint, alleging, among other things, various defenses that
 11 included issues involving consent, authorization, and other elements of plaintiff's statutory claim.
 12 (Dkt. No. 15.)

13 3. On January 21, 2011, Judge Fogel held an initial case scheduling conference and
 14 ordered the parties to participate in a settlement conference before Magistrate Judge Lloyd and to
 15 return and report on the result of that conference. (Dkt. No. 18.)

16 4. Plaintiff Robles and defendant Lucky participated in a settlement conference before
 17 Judge Lloyd on April 29, 2011. Lime, Merkle and Take 5 Solutions, LLC ("Take 5"), who were all
 18 third parties at the time, also participated in the settlement conference. At the settlement
 19 conference, plaintiff Robles, defendant Lucky, the third parties, and insurers candidly discussed
 20 their various positions about the litigation and settlement. During these discussions, it was
 21 determined that limited focused discovery or information was required to continue productive
 22 discussions toward resolution. Upon the recommendation of Judge Lloyd, plaintiff Robles,
 23 defendant Lucky, the third parties, and insurers agreed to return for a further settlement conference.
 24 (See Dkt. 32.)

25 5. Prior to the further settlement conference, plaintiff Robles filed an Amended
 26 Complaint. (Dkt. 39.) The Amended Complaint alleges a single claim for violation of the TCPA,
 27 under the same general allegations stated in the original complaint, on behalf of both Juvenal
 28 Robles and Abel Figueroa. The Amended Complaint also adds Lime as a named defendant.

1 6. Lime and Lucky answered the Amended Complaint. (Dkt. 45 & 48.) Lime also
2 filed a Third-Party Complaint against Merkle. (Dkt. 44). Merkle answered the third-party
3 complaint and filed a fourth-party complaint against Take 5. (Dkt. 64 & 66.) Take 5 has not yet
4 appeared in the action.

5 7. The parties participated in a further settlement conference before Judge Lloyd on
6 September 21, 2011. The parties were able to advance their settlement discussion during the second
7 settlement conference, but did not reach a final agreement. The parties agreed to continue those
8 discussions in the context of a full days mediation and, in the interim, to limit activity in the case to
9 only discovery necessary to complete mediation. The parties thereafter scheduled a full day
10 mediation before Nicholas H. Politan in West Palm Beach, Florida and set the mediation for
11 December 8, 2011.

12 8. On September 27, 2011, this matter was reassigned to this Court. (Dkt. 60.) By
13 order dated September 30, 2011, the Court set a Case Management Conference for January 20,
14 2012.

15 9. Due to medical concerns involving a member of his family, Mediator Politan was
16 forced to cancel the December 8th mediation. The parties have reset the mediation for January 26,
17 2012.

18 10. Based on the prior settlement discussions and the impending mediation, the parties
19 jointly request the Court continue the January 20, 2012 Case Management Conference to February
20 10, 2012 or a date thereafter convenient to the Court.

IT IS SO STIPULATED.

22 | Dated: January 9, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By _____ /s/ *Brian R. Blackman*
CRAIG CARDON
BRIAN R. BLACKMAN
Attorneys for
Defendant LUCKY BRAND DUNGA

1 Dated: January 9, 2012

2 EDELSON MCGUIRE LLC

3
4 By _____ /s/ *Ryan D. Andrews*
5 RYAN D. ANDREWS
6 SEAN REIS
7 Attorneys for
8 Plaintiff JUVENAL ROBLES

9 Dated: January 9, 2012

10 WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

11 By _____ /s/ *Sara J. Savage*
12 DAVID SHEIFFER
13 SARA J. SAVAGE
14 Attorneys for
15 Defendants KIRSHENBAUM BOND SENECA &
16 PARTNERS LLC and KIRSHENBAUM BOND &
17 PARTNERS WEST LLC

18 Dated: January 9, 2012

19 LATHAM & WATKINS LLP

20 By _____ /s/ *Peter Winik*
21 PETER WINIK
22 MATTHEW RAWLINSON
23 SARAH GRAGERT
24 Attorneys for
25 Third-Party Defendant MERKLE, INC.

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CERTIFICATION

I, Brian Blackman, am the ECF User whose identification and password are being used to file this Stipulation And [Proposed] Order Continuing The Case Management Conference. In compliance with General Order 45.X.B., I hereby attest that Ryan D. Andrews, Sara J. Savage and Peter Winik have concurred in this filing.

6 | Dated: January 9, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By _____ /s/ Brian R. Blackman
BRIAN R. BLACKMAN

Defendant LUCKY BRAND DUNGAREES, INC.

ORDER

Having considered the parties' stipulation and good cause appearing, the Court continues the January 20, 2012 Case Scheduling Conference to February 10, 2012 at 10:30 AM in Courtroom 7, 19th Floor. A Joint Case Management Statement shall be filed no later than February 3, 2012.

IT IS SO ORDERED.

6 | Dated: January 10, 2012

Maxine M. Chesney
The Honorable Maxine M. Chesney
United States District Judge